REMARKS

The Office Action mailed March 21, 2007 considered claims 1-17, 39-43, and 46-56. Claims 1-6, 39-43 and 46-56 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 1-17, 39-43 and 46-56 were rejected under 35 U.S.C. 102(b) as being anticipated by Chamberlain et al. (US 6,434,744) hereinafter *Chamberlain*.[1]

By this paper, claims 1-6, and 39-43 have been cancelled, claims 7, 10-17, and 46 through 56 have been amended[2], and new claim 57 has been added. Claims 7-17 and 46-57 remain pending, of which only claims 1, 46 and 57 are independent claims.

As a preliminary matter, Applicants would like to thank the Examiner for the courtesies extended during the interview held on May 22, 2007. The substance of that interview is included herein.

Rejections Under 35 USC 101

The claims rejected under 35 USC 101 have either been amended or cancelled. Applicants believe that as now presented, each of the claims complies with the requirements set forth in 35 USC 101.

Rejections Under 35 USC 102(b)

The claims as now presented are generally directed to a system which allows multiple fixes for a software application to be transmitted in an update package to a target computer on which the software application is installed. An appropriate fix for the target computer can be selected, while other fixes are stored for possible later use at the target computer. The other fixes may be used, for example, if the target computer changes the installed software to a different version, such as a different branch version of the software.

In particular, each of the claims of the present application now recite identifying an update package having at least two different versions of a fix for software installed on a target machine. The different versions of the fix are for different versions of the software. The update package includes a version of the fix for a version of the software installed on the target machine.

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] Support for the amendments can be found throughout the specification, but with particularity at least at page 17, lines 8-19.

One of the at least two different versions of the fix is selected for installation on the target machine based on the version of the software installed on the target machine. At least one other version of the fix from the update package is persisted at the target machine for automatic reinstallation on the target machine after future installation of a different version of the software on the target machine.
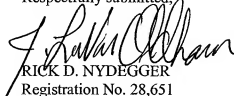
The art cited in the Office Action does not appear to show what is now recited. Rather. *Chamberlain* appears to be directed, for example, to a method of providing an installer program with notice when a patch is applied, such that the installer program can modify a configuration database to reflect the patch. This allows the later changes to be made with an awareness of the patch. See *Chamberlain* at col. 2, lines 44-58. *Chamberlain* also teaches that the disclosed invention "makes the installer program patch-aware so that should the user or application make or require any changes to the installed state of the application, the installer program will be able to operate on the system resources with knowledge that the application has either been patched, or that a patch is present for the application (in the case where the application is not yet fully installed). In that manner, all of the additional functionality provided by the installer program to an application is equally applicable to the application in its patched state." See *Chamberlain* at col. 2, lines 48-58. Further, the cited portions of *Chamberlain* appear to only teach a single patch for installation. See *e.g. Chamberlain* at Abstract. However, the cited portions of *Chamberlain* do not appear to show at least "an update package having at least two different versions of a fix for software installed on a target machine…" or other limitations as now recited in the claims of the present application.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 21st day of June, 2007.

Respectfully submitted,

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